Appl. No. 09/497,279
Reply to Final Office Action of March 8, 2004

REMARKS/ARGUMENTS

Reconsideration of the rejections set forth in the Final Office Action dated March 8, 2004 is respectfully requested. Claims 1-27 are currently pending and have been rejected.

Claims 1 and 24 have been amended to more clearly recite that a background computer process is a process that is not under the immediate interactive control of a user. Support for the amendments made to claims 1 and 24 may be found in the Specification, as for example on page 6, at lines 7 and 8. It is respectfully submitted that since the amendments made to claims 1 and 24 are strictly to clarify the definition of a background computer process that is known in the art, no new matter has been introduced with the amendments to the claims.

Rejections under U.S.C. §102(e)

Claims 1-4, 7, 13-16, and 24-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Shaffer et al. (U.S. Patent No. 6,145,083).

Claim 1 recites a method of processing a computer telephony call which includes deferring execution of at least one background process, and processing a computer telephony call. As amended, claim 1 recites that a background process is a process that is not under the immediate interactive control of a user.

The Examiner has argued that Shaffer et al. disclose all the features of the claims, and stated that the screen saver program of Shaffer et al. reads on the claimed limitation of a background process since even if a "user is actively using a computer, the screen saver program is running in the background checking for activities or inactivity's" (page 5 of the Final Office Action dated March 8, 2004). It is respectfully submitted that while Shaffer et al. disclose pioneering technologies which may benefit computer telephony, the Examiner has failed to show where Shaffer discloses deferring execution of at least one background process during a

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computer telephony call. Specifically, the Applicant is unable to locate any teaching in Shaffer et al. that a screen saver program is a background process, and submits that a screen saver program does not run "in the background checking for activities or inactivity's," as asserted by the Examiner.

The Applicant respectfully submits that a screen saver program is either running as a foreground process, i.e., when the screen saver is on and serving its purpose of effectively blanking out a screen, or the screen saver program is not running at all. Shaffer et al. do not teach that a screen saver program runs in the background checking for "activities or inactivity's." The teachings of Shaffer et al. refer only to checking for periods of inactivity once the screen saver is activated (and, therefore, blanking out a screen or of displaying a particular image sequence) in order to determine when to run the screen saver in locked mode (Shaffer et al., column 5, lines 12-31). Hence, Shaffer et al. teaches of the screen saver as a foreground process. Accordingly, as Shaffer et al. do not appear to disclose deferring the execution of at least one background process during a computer telephony call, claim 1 and its dependents are each believed to be allowable over the art of record for at least this reason.

Further, claim 1 has been amended to more clearly recite that a background process is a process that is not under the immediate interactive control of a user, as is known in the art. Shaffer et al. teaches that a screen saver is under the immediate interactive control of a user, as a user may enter a password to unlock screen saver from locked mode (Shaffer et al., from column 1 at line 56 to column 2 at line 34). Similarly, when a screen saver is not locked, the screen saver is still under the immediate interactive control of a user, since a user may use an input device while the screen saver is on to deactivate the screen saver. That is, as taught by Shaffer et al. at lines 25-32 of column 5, if there is no activity by a user input device for a period of time, a locked mode of the screen saver is triggered. Otherwise, the screen saver is deactivated. Since Shaffer et al. teach that a screen saver is under the immediate interactive control of a user and, hence, is not a background process, claim 1 and its dependents are each also believed to be allowable over the art of record for at least this additional reason.

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Claim 24 recites similar limitations to those recited in claim 1. As such, claim 24 and its dependents are each also believed to be allowable over the art of record for at least the reasons set forth above.

Rejections under U.S.C. §103(a)

Claims 5, 6, 8, 9, 10-12, and 17-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer et al. (U.S. Patent No. 6,145,083), further in view of Christensen et al. (U.S. Patent No. 6,360,336). Since each of these claims depends from either independent claim 1 or independent claim 24, and Christensen et al. do not appear to disclose or to reasonably suggest deferring execution of at least one background process during a computer telephony call, these claims are each believed to be allowable over Shaffer et al. in view of Christensen et al for at least these reasons.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If any fees are due in connection with the filing of this amendment, the Commissioner is authorized to charge such fees to Deposit Account 19-2179.

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Respectfully requested,

By: _David D. Chung_
Registration No. 38,409
Attorney for Applicants
Tel: 650-694-5339
Fax: 650-968-4517

SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830
ATTENTION: Elsa Keller, IP Department
Telephone: (732) 321-3026

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